

AMENDED IN SENATE AUGUST 28, 2007

AMENDED IN SENATE JULY 9, 2007

AMENDED IN SENATE JUNE 11, 2007

AMENDED IN ASSEMBLY MAY 8, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 679**

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**Introduced by Assembly Member Benoit**

February 21, 2007

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An act to add Section 1202.51 to the Penal Code, relating to illegal dumping.

### LEGISLATIVE COUNSEL'S DIGEST

AB 679, as amended, Benoit. Illegal dumping: assessments.

Existing law establishes various offenses for littering and illegal dumping. ~~Existing law authorizes civil fines upon conviction for a violation of various environmental laws.~~

This bill would require the court to impose a ~~civil~~ fine on violators in addition to any other penalty or fine, in the amount of \$100 for an infraction or \$200 for a misdemeanor, as specified. The bill would require that the money from the ~~civil~~ fines be deposited in the city's or county's general fund for use for illegal dumping enforcement, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1202.51 is added to the Penal Code, to  
2 read:  
3     1202.51. In any case in which a defendant is convicted of any  
4 of the offenses enumerated in Section 372, 373a, 374.3, 374.4,  
5 374.7, or 374.8, the court shall order the defendant to pay a ~~civil~~  
6 fine of one hundred dollars (\$100) if the conviction is for an  
7 infraction or two hundred dollars (\$200) if the conviction is for a  
8 misdemeanor, in addition to any other penalty or fine imposed. If  
9 the court determines that the defendant has the ability to pay all  
10 or part of the ~~civil~~ fine, the court shall set the amount to be paid  
11 and order the defendant to pay that sum to the city or, if not within  
12 a city, the county, where the violation occurred, to be used for the  
13 city's or county's illegal dumping enforcement program.  
14 Notwithstanding any other provision of law, no state or county  
15 penalty, assessment, fee, or surcharge shall be imposed on the fine  
16 ordered under this section.

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